

**REMARKS**

Upon entry of the foregoing amendments, claims 21, 32-33 are pending in the application. Claim 21 is currently amended. Claims 1-20 and 23-31 were previously canceled. Claims 32-33 are newly added.

No new matter is introduced by these amendments and their entry is respectfully requested. In view of the above amendments and following remarks, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

**Rejections under 35 U.S.C. § 102**

Claim 21 was rejected under 35 U.S.C. § 102(a) as being allegedly anticipated by U.S. Patent No. 5,708,749 to Kacheria ("Kacheria"). Applicants respectfully traverse this rejection.

Claim 21 is patentable over Kacheria because Kacheria fails to teach or suggest "wherein the plurality of shot particles selected have ... a general shape selected from a group consisting of hexagonal, rhombohedral, and spherical," as recited by claim 21.

Kacheria is directed toward "an improved lighting fixture and method for illuminating a local region with light flux that is laterally emitted from a selected region of the lighting fixture." (See, e.g., Kacheria, Abstract.) In describing its light fixture, Kacheria discloses that the surface of some of its embodiments may be roughened by sand blasting with coarse sand in order to produce a diffusing surface. This was acknowledged in the Office Action. The Office Action additionally states that "sand" as defined by Merriam Webster's dictionary is a "a material that consists of particles smaller than gravel, but coarser than silt, with silt being defined particles [*sic*] usually 0.05 mm or less in diameter."

Nevertheless, neither Kacheria nor the definition of "sand", whether considered alone or in combination, teach or suggest using a "blasting agent including a plurality of shot particles... having... a general shape selected from a group consisting of hexagonal, rhombohedral, and

spherical,” as recited in claim 21. Indeed, nowhere does Kacheria describe the shape of particles used within its coarse sand. Additionally, the definitions of "sand" and "silt" as provided both fail to cure this deficiency of Kacheria. Accordingly, claim 21 is patentable over Kacheria for at least these reasons. Applicants request the Examiner withdraw the rejection of claim 21 under 35 U.S.C. §102(a) and reconsider the claim for allowance.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejection of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-4562 referencing the Attorney Docket No. noted above. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 7, 2009

Respectfully submitted,

By: 

Daniel N. Yannuzzi  
Registration No.: 36,727

SHEPPARD MULLIN RICHTER &  
HAMPTON LLP  
333 South Hope Street, 48th Floor  
Los Angeles, CA 90071-1448  
Telephone: (858) 720-8900  
Facsimile: (858) 509-3691